

Attorney Docket No.: RTS-0325
Inventors: Bennett and Wyatt
Serial No.: 10/016,149
Filing Date: November 1, 2001
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REMARKS

Claims 1, 2, 4-10 and 12-15 are pending in the instant application. Claims 1, 2, 12 and 15 have been rejected. Claims 4-10, 13 and 15 have been objected to. Claims 2 and 4 have been canceled. Claims 1, 5, 6, 8 and 10 have been amended. No new matter has been added by these amendments. Reconsideration is respectfully requested in light of these amendments and the following remarks.

I. Objection to the Claims

Claims 4-10, 13 and 15 have been objected to as being dependent upon a rejected base claim. The Examiner states that these claims would be allowable if rewritten in independent form including all of the limitations of the intervening base claims. Accordingly, Applicants have amended the claims to move the limitations of claim 4 into the base claim, making each claim remaining now dependent on the subject matter which the Examiner has acknowledged is allowable. Claims 2 and 4 have been canceled. Withdrawal of this objection is respectfully requested.

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II. Rejection of Claims Under 35 U.S.C. 102/103

Claims 1, 2, 12 and 14 have been rejected under 35 U.S.C. 102(b) and 103(a) as being anticipated and/or obvious by Brown et al. (EP 0 528 820 B1). The Examiner suggests that this patent discloses a primer which has 82% identity with residues 625-652 of SEQ ID NO: 3 of the instant application. Applicants respectfully traverse this rejection.

As discussed *supra*, Applicants have amended the claims in accordance with the Examiner's suggestions. Claim 1 is now directed to antisense oligonucleotides with specific modifications. The reference cited by the Examiner, Brown et al., fails to teach these modified compounds. MPEP 2131 states that in order to anticipate or make obvious an invention the cited reference must teach each and every limitation of the claims. Accordingly, this reference fails to teach the limitations of the amended claims. Withdrawal of this rejection is respectfully requested.

Claims 1 and 2 have been rejected under 35 U.S.C. 102(a) and 103 (a) as being anticipated and/or obvious by Suzuki et al. (1997). The Examiner suggests that this reference teaches an oligonucleotide that possesses 68% identity with residues 846-886 of SEQ ID NO: 3. Applicants respectfully traverse this rejection.

As discussed *supra*, Applicants have amended the claims. The

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reference cited by the Examiner, Suzuki et al., fails to teach the claimed oligonucleotide. MPEP 2131 states that in order to anticipate or make obvious an invention the cited reference must teach each and every limitation of the claims. Accordingly, this reference fails to teach the limitations of the amended claims. Withdrawal of this rejection is respectfully requested.

III. Conclusion

Applicants believe that the foregoing comprises a full and complete response to the Office Action of record. Accordingly, favorable reconsideration and subsequent allowance of the pending claims is earnestly solicited.

Respectfully submitted,

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